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5 AT SEATTLE
6 CLERK U.S. DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON DEPUTY
8
9 BY

10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
13 TONY PENWELL,)
14)
15 Plaintiff,) Case No. C08-1697-JLR-BAT
16)
17 v.)
18 BRIDGET O'DONNELL, et al.,) ORDER DISMISSING § 1983
19) ACTION
20 Defendants.)

11

12 The Court, having reviewed the Report and Recommendation of Brian A. Tsuchida, United
13 States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

14 (1) The Court adopts the Report and Recommendation.
15 (2) The complaint and this action are DISMISSED without prejudice for failure to state
16 a claim on which relief can be granted.
17 (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge
18 Tsuchida.

19 DATED this 23rd day of January, 2009.

20

JAMES L. ROBART
United States District Judge

08-CV-01697-ORD

ORDER DISMISSING § 1983 ACTION – 1